

REMARKS

Claims 1-5 are pending in this application. Applicants have amended claims 1 and 2 solely for the purpose of casting them in more conventional method step terms, without changing claim scope or raising new issues. Applicants respectfully request entry of these amendments as putting this application in condition for allowance or in better condition for appeal.

All claims stand rejected under 35 USC 103(a) over Ayabe in view of Verbeek or, in the alternative, JP '650 in view of Verbeek. For the following reasons, applicants respectfully traverse the rejections and request reconsideration.

The invention is directed to a method for producing virus-free plants by isolating and culturing the foliage leaf base of a plant that is infected with a virus and propagates via scaly bulbs. None of the references, alone or in combination, teaches or suggests this method for producing virus free plants. The Examiner is drawing conclusions as the disclosure of Ayabe which are not evident from a reading of the reference, except, perhaps, in light of hindsight knowledge of the invention. Nowhere does Ayabe explicitly teach, disclose, or suggest culturing the domy tissue as a medium for producing virus-free plants from plants that are infected with a virus. Ayabe merely recognizes that the domy tissue exists, but does not suggest culturing such tissue. Moreover, Ayabe states (as cited by the Examiner on page 3 of the Action) that the disclosed process is useful for the production of "virus-free seed plants produced by shoot-tip culture."

In contrast, on page 3, paragraph 3, of the specification, the invention is described as having the advantage that "[s]ince a plurality of domy tissues are formed from one ramentum, the efficiency becomes dramatically enhanced as compared to the contention method of shoot-tip apex culture." The difference between the present invention and the method taught by Ayabe is evident – Ayabe does not suggest the isolation and culture of the domy tissue, as recited in claim 1.

As the Examiner states in the Action, none of the remaining referenced cited in support of the rejections discloses the isolation and culture of domy tissue. For that reason, none of the

references, taken alone or in combination, teach every element and limitation of claims 1-5. For that reason, the rejections under 35 USC 103(a) should be withdrawn.

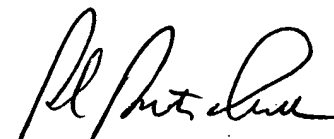
All claims are, therefore, in condition for allowance and a notice thereof is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 350292001100.

Respectfully submitted,

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